

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 6924

BILL NUMBER: SB 360

DATE PREPARED: Feb 21, 2002

BILL AMENDED: Feb 21, 2002

SUBJECT: Issues Concerning Civil Actions.

FISCAL ANALYST: John Parkey

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FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill permits an individual to bring a civil action against a person who misuses a liquified petroleum (LP) gas container. The bill permits the prevailing party to recover damages, court costs and attorney's fees.

The bill repeals provision mandating that 75% of a punitive damages award go to the state.

Effective Date: July 1, 2002.

Explanation of State Expenditures:

Explanation of State Revenues: (Revised) *Punitive Damages:* Under current law, the Violent Crime Victims Compensation Fund is entitled to 75% of the punitive damages awarded in civil cases. The Violent Crime Victims Compensation Fund is administered by the Indiana Criminal Justice Institute. The Institute reports that collections from punitive damage awards are minimal.

Court Fee Revenue: If additional court cases occur against person who misuse LP gas container, revenue to the state General Fund may increase if court fees are collected. If court actions are filed and a judgment is entered, a court fee of \$100 would be assessed. 70% of the court fee would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

Background on the Violent Crime Victims Compensation Fund: The Violent Crime Victims Compensation Fund is administered by the Indiana Criminal Justice Institute. The Fund assists victims or their dependents with medical expenses, funeral expenses, lost wages, and psychological counseling. The Compensation Fund also allows payment of expenses resulting from the collection of evidence after an alleged sexual assault without the burden of the expense falling on the shoulders of the victim. Counseling services can also be covered by the Fund if the counseling is physician-ordered. A maximum award of \$15,000 may be paid for

any one injury or death, including medical bills, up to \$3,000 for funeral and burial expenses, and up to \$1,000 or \$1,500 for counseling, lost wages, loss of support, reasonable child care services, attorney fees, and emergency shelter services. The Institute receives approximately 150 applications for grants from the Fund each month. Approximately 75% of these claims are approved. Money in the Fund comes from a variety of sources, including:

- (1) fees collected by the court clerk and fiscal officer of a city or town and distributed by the Auditor of State (approximately \$1.5 M annually),
- (2) revenue collected from restitution orders,
- (3) punitive damages (minimal),
- (4) various federal funds, and
- (3) appropriations made by the General Assembly (FY 2003 appropriation of \$2.5 M).

Explanation of Local Expenditures:

Explanation of Local Revenues: *Court Fee Revenue:* If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund.

State Agencies Affected: Criminal Justice Institute; Treasurer of State.

Local Agencies Affected: Trial courts.

Information Sources: Catherine O'Connor, Executive Director, Criminal Justice Institute, (317) 232- 1233.